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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,363	10/30/2003	Wayne H. Hanson	1-24778	7882

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EXAMINER	
EDELL, JOSEPH F	

ART UNIT	PAPER NUMBER
3636	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,363	HANSON ET AL.	
	Examiner	Art Unit	
	Joseph F. Edell	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,6,14,15,20-25 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,6,14,15,20-25 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The indicated allowability of claims 26 and 27 is withdrawn in view of the newly discovered reference(s) to Hanson et al. Rejections based on the newly cited reference(s) follow.

Claim Objections

1. Claim 25 is objected to because of the following informalities: "back support member" (lines 2-3) should read --seat back-- as no back support member is recited in claim 22. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 6, 14, 15, 20-25, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the guide pin" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the guide pin" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 27, the phrase "arc-shaped" renders the claim(s) indefinite because the meets and bounds of the claim(s) are not clearly set forth, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 4, 20-23, and 27, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,488,332 B1 to Markwald in view of U.S. Patent No. 6,086,086 to Hanson et al.

Markwald discloses a seating system that is basically the same as that recited in claims 3, 4, 20-23, and 27, as best understood, except that the base lacks a tilt-in-space block and the system lacks a seating shell base with a pivot post, as recited in the claims. See Figure 1 of Markwald for the teaching that the seating system has a base 4, a seat tray 7, a sliding mechanism 17 configured to mount the seat tray and limits sliding movement of the seat tray to substantially horizontal movement, a seat back 8 pivotally mounted relative to the seat tray at a seat back pivot point, a leg support 10 pivotally mounted with respect to the seat and depending from the seat tray, and a biasing element 14 connected relative to the base and the seat tray and configured to

store energy and have a damping effect upon application of force by a user to move the seat tray forward and a configured to release energy when the user relaxes to automatically move the seat tray rearward wherein the sliding mechanism is configured with sufficiently low friction to enable the user to experience extension tone with little resulting resistance to the forward movement of the seat tray and little resulting resistance to pivoting of the leg support, and the seating system is configured for forward movement of the seat tray and pivoting of the leg support caused by tone extension of the user without requiring manual operation (see column 4, lines 3-36).

Hanson et al. show a seating system similar to that of Markwald wherein the seating system has a seat cushion (see column 3, lines 12-13) positioned in a seating shell base 82 (see Fig. 10) that is provided with a pivot post 62 and a guide pin 63, and a base 12 (Fig. 2) with a tilt-in-space block 34 including a guide slot 58 configured to receive the guide pin such that the guide slot is T-shaped with a straight upper portion and an arcing lower portion, and a pivot post cradle at an uppermost portion of the guide slot. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Markwald such that the seat tray is positioned in a seating shell base that is provided with a pivot post and a guide pin, and the base includes a tilt-in-space block with a guide slot configured to receive the guide pin wherein the guide slot is T-shaped with a straight upper portion and an arcing lower portion, and a pivot post cradle located at an uppermost portion of the guide slot, such as the seating system disclosed by Hanson et al. One would have been motivated to make such a modification in view of the suggestion in Hanson et al.

that the seating shell base and tilt-in-space block in the base configuration allows the seat tray to be tiltable relative to the base.

6. Claims 6, 14, 15, 24, and 25, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Markwald in view Hanson et al. applied to claims 3, 4, 20-23, and 27, as best understood above, and further in view of U.S. Patent No. 327,775 to Dodge.

Markwald discloses a seating system that is basically the same as that recited in claims 6, 14, 15, 24, and 25, as best understood, except that the seat back lacks a back support member moving downward and a locking mechanism, as recited in the claims. See Figures 1 and 2 of Markwald for the teaching that the seat back is connected to a back support member pivotally connecting the seat back to the base. Dodge shows a seating system similar to that of Markwald wherein the seating system has a base *E* (see Fig. 1), a seat back *A* connected to a back support member *H* such that downward movement of the back support member in a substantially vertical direction causes the seat back to pivot at the seat tray to recline the seat back, and a locking mechanism *a* supported with respect to the base. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Markwald such that the seat back is connected to a back support member wherein downward movement of the back support member in a substantially vertical direction with respect to the base causes the seat back to pivot at the seat tray to recline the seat back and causing the seat tray to slide forward with respect to the base, and a locking mechanism supported with respect to the base. One would have been

motivated to make such a modification in view of the suggestion in Dodge that the seat back configuration provides a slideably adjustable seat back that is removably coupled to the base.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOE EDELL
PRIMARY EXAMINER

Joe Edell
October 15, 2007